

Subject: Orca take plan
From: Andrew Orahoske <ecolaw@gmail.com>
Date: Thu, 22 Mar 2007 11:13:36 -0700
To: Orca.Plan@noaa.gov

Assistant Regional Administrator
Protected Resources Division
Northwest Regional Office
National Marine Fisheries Service
7600 Sand Point Way NE
Seattle, WA 98115

RE: Orca disturbance by direct interference and sound

The following comments pertain to the vessel effects, including direct interference and sound, as a potential "take" of orca.

The advanced notice of proposed rulemaking (ANPR) states that the rule "encompasses the activities of *any person or conveyance* that may result in the unauthorized taking of killer whales and/or that may cause detrimental individual-level and population-level impacts." The ANPR then proceeds to single out whale watching vessels without mentioning other forms of marine vessels. NMFS must expand the scope of the inquiry into activities by vessels other than whale watchers.

The U.S. military uses active sonar devices in Puget Sound and the Strait of Juan de Fuca. Military sonar has been documented to disturb, maim and kill whales throughout the world. Recently the use of sonar by naval vessels in the Strait of Juan de Fuca caused an orca pod to panic and flee the area. This activity clearly falls within the scope of "direct interference."

Similarly, geologic exploration using noise, such as air-guns, must be regulated by the "take" prohibition. Any scientific activities which actively use noise also fall within this inquiry.

Anthropogenic noise associated with industrial complexes along the shorelines, at Cherry Point for example, also falls within the scope of this rulemaking. Any shore based activities which emit sound or other types of pollution into the waters must also be regulated by NMFS. Building bridges, dredging channels, and all other shoreline developments must be governed by the "take" prohibition.

Most importantly, the cumulative noise and interference generated by tankers, freighters and other commercial vessels entering and leaving the ports of Puget Sound and Strait of Georgia are also within the scope of this rulemaking. These sources of direct interference and noise, collectively generated by human commerce, must be analyzed and regulated. This anthropogenic "background noise" is a form of pollution, is directly interfering with orcas, and therefore must be regulated.

Thus in addition to whale watching activities, which are an extremely limited part of the overall potential "take" of orca, NMFS must look at all other sources of noise and disturbance, with specific inquiry of military sonar, commercial vessels such as tankers, freighters, and tugboats, industrial complexes such as Cherry Point, and the use of noise for geologic and scientific exploration.

--
Andrew Orahoske

1991 Columbia St.
Eugene, Oregon 97403
(541) 359-9805
ecolaw@gmail.com

Subject: Orca Recovery Plan As Pertains To Whale Watching

From: John Boyd <boydj@rockisland.com>

Date: Thu, 22 Mar 2007 13:27:59 -0700

To: Orca.Plan@noaa.gov

I want to thank you for allowing commentary from the public in this very touchy issue. No where else is the issue of whale watching more polarized than in the San Juan Islands.

I think I have a very unique perspective on this issue, as I have a BS in science, I have watched whales from shore as a "whale lover", I have worked for 10 years on Soundwatch, and I work currently as a marine naturalist aboard the Western Prince. So while I may not have the hard numbers of specific research I'm sure several others will no doubt present, I do have a better perspective than most.

In teaching visitors about the SRKW's, we present as much information as we can so they understand the relationship between environment, whales, and mankind's impact on this population. It's interesting that when the studies come out demonstrating the top impacts on SRKW's, they typically are listed as:

1. Salmon Population
2. Toxics
3. Vessel Interactions and Impacts

I'd be more inclined to list Vessels as 4th, as most people overlook a very statistically important factor, the capture and removal of almost 50 members of the SRKW during the orca captures.

But getting back to the point of specificity of the orca recovery plan and boat interactions. There are those who wish to eliminate whale watch boats all together (Orca Relief), but this is a knee-jerk reaction and is also motivated by other factors that have nothing to do with the whales.

It has been my experience that there need to be clearcut guidelines for ALL vessels around whales. These need to be clear, concise, and more importantly, enforced. In Canada, if a commercial whale watch boat is proved to be harrassing whales, they get a significant fine. In the US, a warning letter and a "potential" fine of \$10,000. To my knowledge, I don't know if the fine has ever been levied. It also needs to apply to private boaters as well. I know first-hand the frustration of trying to get a private boater to stop harassing whales, only to have them laugh at us and flip us off as they continue doing whatever they well please.

So in applying my commentary to your guidelines:

Advisability/Need for Regulation: YES! Guidelines are needed.

Geographic Scope: Should apply equally throughout the identified range of the SRKW.

Regulating Vessel Interaction: YES. Currently the WWOA uses the "Be Whale Wise" guidelines, which have been adaptive since their inception. I think NOAA should continue working with Soundwatch, WDFW, and the WWOA to refine these guidelines even more. The biggest issue is getting the private boaters to also be subject to the same guidelines. Perhaps when a boat re-applies for it's registration, a form must be signed saying they have been given the guidelines and agree to be subject to the guidelines. If I can see any practical regulatory impact here as applies to commercial

whale watch boats, it would be to limit the number of boats on scene per company. Most local companies (those based on San Juan Island) operate on or perhaps two vessels at most. Some of the larger city based companies range in vessel number of 3-20 boats on scene. Also, enforcement of one regulation that is already in the Be Whale Wise guidelines would be enforcement of the time on scene regulation, which states that a commercial company can not spend more than 1/3 of it's entire trip time with the whales. I know several vessels who spend 1/2-3/4 of their trip time with whales. Most companies run a 3-4 hour whale watch, meaning that no vessel should be on-scene with whales for more than 1 hour, 20 minutes.

Scientific & Commercial Information about Vessel Impacts--contrary to what Orca Relief says, there is NO study that conclusively shows whale watch boats adversely affect the SRKW. And practical experience has shown times when orcas have deliberately veered towards boats to socialize perhaps, or just out of curiosity. Having spent 10 years+ on local waters, I've seen this too many times to believe that the orcas aren't just as curious about us as we are about them.

Economic Effects of Regulating Vessel Interactions: this gets into a tricky area, as there are many ancillary impacts should commercial whale watching be eliminated. And while economics shouldn't trump what is in the best interest of the orcas, it does affect many people. A typical whale watch visitor to the San Juans not only pays for the trip, but usually pays for their ferry trip, buys gas along the trip, usually shops on the island for lunch or stays in a hotel or other lodging. They visit the Whale Museum, restaurants. The owners of the whale watch companies pay their crews, pay taxes, fill their boats locally, purchase other good and services.

Other Relevant Information and Summation:

Based on all this information, it is my recommendation that:

1. Greater effort to inform private boaters of the regulations is critical.
2. Enforcement on the water needs to be regular and consistent.
3. Increased review of the current Be Whale Wise guidelines, and implementation of additional guidelines to improve boater behavior.
4. Review option of limiting the number of whale watch boats per company on scene.

Thank you for allowing me to give my 2 cents worth.

John Boyd
Marine Naturalist, Friday Harbor

Subject: Comments submission regarding the proposed rules for the SRKWs.

From: Jeanne Hyde <141157@yahoo.com>

Date: Mon, 18 Jun 2007 20:06:41 -0700 (PDT)

To: Orca.Plan@noaa.gov

Submission of comments regarding the proposed rules for the SRKWs.

I spend most everyday on the west side of San Juan Island from April - Sept. and watch what is going on from the shore at Lime Kiln Point State park. Here are my comments.

1-Codifying the current Be Whale Wise marine mammal viewing guidelines. Yes, to make it a regulation it will then have 'teeth' to it.

- Currently the 'guidelines' are ignored by those who choose to ignore them.

- I believe that KAYAKERS think that Be Whale Wise guidelines and even the KELP guidelines DO NOT pertain to them. Kayak Guides continuously ambush the whales. They lie in wait in Deadman's Bay and then when they know the whales are approaching they launch their kayaks and try to get into the path of the whales. This happens everyday and from many areas along the west side.

- Kayaks are one of the worst offenders on the water along the west side of San Juan Island. People in their **private kayaks** - usually a couple people, each in a single, also lie in wait for the whales to approach and then launch. MORE often than not we watch the whales change their behavior - direction changes and diving for longer and farther distances as if to avoid the kayaks.

2-Establishing minimum approach rule

- Please extend the 1/2 mile zone, that is along Lime Kiln Point State Park to extend farther north and farther south. Commerical boats will get ahead of the whales and 'move in' so that they are at the 1/4 mile zone. Very often the whales are within a 1/4 mile from shore and of course the boats will move in as close as they can. This, to me, can be 'crowding' the whales. Why don't you make it a 1/2 mile off shore all over? Give the whales the best area as can be. Having it a 1/2 mile all over then there will be no confusion as to the distance to be from the shoreline.

- if the rules are to help protect the whales then no one should have a problem with 1/2 mile along all shore lines.

- as far as kayaks are concerned and they can't be 1/2 mile off, they have to be close to shore, there should be NO PADDLE rules and mandatory rafting up and Mandatory in the shoreline Kelp (stationary) when the whales are present. That way too there is no confusion.

3-Prohibing vessel activities of concern

- yes, I agree with what you are saying

- you need more enforcement/more Soundwatch on the water...need a boat above the leaders and a boat at the back end of the trailers and another boat or two pacing back and forth to stop others from coming in from the side.

- you need on shore enforcement to stop the bad kayak behavior. Enforcement/Soundwatch boats can't get to the shore when the whales are present and kayaks are being bad, because that would just add to the problems.

- Enforcement/Soundwatch boats should be plentiful during holiday times and long weekends.

4-Establishing time-area closures

- suggesting this is interesting as there is now a study on the water that just started that the researcher David Bain says he will be with the whales 24 hours a day and that is disturbing - research or not. Give the whales a break not make it worse....problem here.

5-Operator permit or certification program

-Yes, Yes, and Yes there is a new person on Orcas Island who loves to run over the whales and he has started a whale watching company - very worrisome. He has a bad attitude, so to nip someone like this in the bud would be a very good thing, because he will just be a headache for everyone including the whales.

-allowing one whale watch operator to get closer to the whales cause 'the whale watch operator was good' is just a wreck looking for a place to happen. One boat gets closer and then another decides it can get closer and that creates a new problem. It also creates problems for the boat operators - 'how come that boat is closer than we are...' just creating more pressure on the captain when he/she needs to be focusing on the task at hand. Make the rules the same for everyone then there is no confusion.

-Currently in the Be Whale Wise Guideline boats are not to remain with the whales for more than 30 minutes. This is not being enforced and it could be. Sometimes I will hear an operator say that his 30 minutes is up and he is moving off. Then there are other times when I see the boats continually paralleling the whales way over the 30 minutes.

-Private boaters are the worst and need to be stopped before they get into the middle of the whales. Some don't have a clue that there are guidelines. Others know and just ignore them. There needs to be a mandatory signoff for every boat operator, whether they rent the boat or own the boat. That way no boat can get off with the excuse that they didn't know. Make it mandatory posting ON all boats, all docks, fueling stations, etc. Make all boat owners sign off on the rules you make so that they can be held accountable.

So that's my input. Thank you for listening.

Jeanne Hyde
Friday Harbor resident
whale watcher from the shore

Pinpoint customers who are looking for what you sell.

Subject: comments

From: Shann Steve Weston Porten <legacies@rockisland.com>

Date: Tue, 19 Jun 2007 16:50:30 -0700

To: Orca.Plan@noaa.gov

Hi, I am Shann Weston, the new Coordinator for the San Juan County Beachwatchers, a naturalist aboard the Western Prince and the environmental science teacher at Skagit Community College.

I would like to say one of the most critical things I see, after 5 season on the water, in insufficient boater education.

Boater education requires presence and that requires funding. Soundwatch does an outstanding job but they need more to really do it right. So, more and really adequate funding for Soundwatch would really help. Right now, it is kind of a David (Soundwatch) and Goliath (the public) scenario.

I would also love to see funding for more talks to boater groups for staff or for support and for signs on docks, island airports, and ferries and other educational materials.

I can offer the services of the Beachwatchers to help get the message out. Feel free to respond back to me at this email but because I have an overactive spam filter, please cc me at shannweston@hotmail.com.

vessel affects comments.txt

Subject: vessel affects comments

Date: Tuesday, June 19, 2007 11:10 PM

I am a naturalist on commercial whale watch vessels, private vessels, and a guide for land based whale watching. Following are my comments:

1. Soundwatch should be fully equipped and funded.
2. The "Be whale wise" guidelines should be regulatory, not voluntary, and enforced.
3. These guidelines, regulations, should be sent to every registered boat in the state, and annually with renewal registrations.
4. The burden of awareness should be shifted to the mariner, just as the mariner is responsible for awareness of navigating our waters.
5. If the best available science is showing the SRKW are masking their vocalizations in the presence of vessel noise, further studies are needed to identify what impacts that may be having on the SRKW. As well as identifying what type of vessels, at which decibels.
6. If the best available science is showing vessel presence is impacting the SRKW ability to find prey, and perhaps the prey as well, further studies are needed to define; is it the mere presence of vessels? a particular type or decibel of engine noise? exhaust from vessels? the number of vessels present? are there vessel impacts relating to the state of tides and currents?
7. whale viewing areas should be established, limiting the amount of vessels in the area at any one time, limiting the length of viewing time, monitored and enforced.
8. Vessels should stop the practice of traveling with and following the pods.
9. Serious consideration should be given to creating a whale sanctuary, a no vessel zone, in known feeding areas.
10. Land based whale watching should be promoted, with naturalists at viewing sites.

Let us not forget we are in the whales' world when we are out on the water, we should mitigate our presence however possible if we wish for them to continue to survive.

Sincerely, Caroline Armon

Subject: Comments for Vessel Management Public Process
From: Val and Leslie Veirs <vveirs@coloradocollege.edu>
Date: Wed, 20 Jun 2007 07:40:14 -0700
To: Orca.Plan@noaa.gov

June 20, 2007

Ms. Lynne Barre
National Oceanic & Atmospheric Administration
National Marine Fisheries Service, Northwest Regional Office
Protected Resources Division
7600 Sand Point Way NE
Seattle, WA 98115

Please accept the comments below as part of your public hearing process re vessel management:

”Whale-less Wednesdays”

The people of Puget Sound are engaged in a struggle to revise our dominant extractive mythology. We need to create acts of imagination that will drive us toward acts of collective empathy for all creatures, great and small. The endangered species listing of the Southern Resident Orcas presents opportunities for creative re-imagining our relationship with wild nature. The plight of the Orcas springs from our thoughtless exploitation of marine and terrestrial ecosystems. We have fished and logged and developed and polluted with little thought about the waters in Puget Sound. On these waters, we follow the Orcas from dawn to dusk. Efforts are underway to restore salmon and to reduce harmful water-borne chemicals. These efforts should help the Orcas --- over time. But, what can we do now that will show these magnificent creatures our concern and generosity? What can we do now that will show us that our society can have compassion and can act with some care and tenderness? My suggestion is that NOAA institute “Whale-less Wednesdays” wherein no one, private or commercial, shall be permitted to seek out and follow and watch whales from water-borne or air-borne craft. This will give the Orcas one day each week relieved of the stresses that may result from whale-watching. On Wednesday, let whales be whales! Land-based observers will watch and marvel and compare and perhaps the Orcas will speak to us of their gratitude through changes in behavior. Certainly adopting a policy of “Whale-less Wednesdays” will show all of us individuals our collective commitment to changing society toward empathy and away from exploitation.

Val Veirs

San Juan Island

P.O. Box 1344
Friday Harbor, Washington 98250

June 18, 2007

Ms. Lynne Barre
Regional Administrator, Protected Resources Division, Northwest Regional Office,
National Marine Fisheries Service
7600 Sand Point Way NE
Seattle, WA 98115

Dear Ms. Barre:

I am a third-year law student at the University of Washington, and I am currently working as a legal intern with Friends of the San Juans, an environmental non-profit in Friday Harbor on San Juan Island.

On Friday June 15, 2007 I joined a Washington Department of Fish and Wildlife Service ("WDFW") officer and a National Oceanic and Atmospheric Administration ("NOAA") Marine Enforcement officer during an afternoon boat patrol of whale watching boats near Limestone Point. Viewing whale watching activity first-hand made it exceedingly clear to me that mandatory regulations must be enacted to protect the killer whales from activities that cause "take" under the Marine Mammal Protection Act ("MMPA") and the Endangered Species Act ("ESA"). The boat I was in was clearly marked as a WDFW Marine Enforcement vessel and a Soundwatch vessel was also present. Nevertheless, during our four hour tour we observed violations of the "Be Whale Wise" regulations, three of which required the NOAA officer to board the vessel and issue warnings. The presence of WDFW and Soundwatch is clearly not enough to discourage harassment of the whales. Actual enforcement mechanisms with real consequences are needed.

The current MMPA and ESA Prohibitions and NMFS Guidelines and Regulations place an extremely high burden on enforcement officers, making them very difficult to enforce. The NOAA officer with whom I rode expressed frustration with seeing violations, but with not being able to prove actual disruption of behavioral patterns or actual disturbance or molestation, as required by the current regulations. The new rules must allow enforcement officers to exercise greater discretion.

Rules that regulate minimum distances, maximum speeds, engine types, activities of concern, and time-area closures are all necessary, but are not alone enough to protect the whales. Rules addressing the aggregate effect of the boats must also be enacted. I noticed that even when each individual boat appears to be in compliance with regulations relating to speed and distance, the whales are still at risk of being harassed by virtue of

the sheer numbers of boats in their immediate surroundings. I observed approximately 15 boats hovering near the pod, and even while keeping an appropriate distance and speed, they created a barrier to the whales. I am worried that this blockage impedes the whales' natural movement. I am also concerned that the noise created by numerous boats prohibits essential acoustic communication between the whales. Lastly, I became nauseated by the intense stench of diesel fuel, and I am worried that the whales are negatively affected by this pollution as well. It is the aggregate effect of the whale watching boats that I am most concerned with and which I feel must be addressed in the regulations. This, along with rules regulating individual boating behavior, will be better able to protect the whales than individualized regulations alone.

An operator permit and certificate program would be an effective way to alleviate the problems arising from simultaneous whale-watching by numerous boats. Such a system should apply to commercial and private boaters, and it should limit the numbers of boaters allowed to engage in whale watching by awarding a finite number of permits. Scientists should be consulted to determine the appropriate numbers of permits to be awarded and the terms of such permits (when and where a boater can observe whales). In regards to allocation, commercial permits could be awarded based on a priority date system, while private permits could be awarded by virtue of a lottery or wait list system. Each permit-holder should be required to take a class and pass a test on the whale-watching regulations and on the terms of the permit. Each permit should impose regulations on individual boats in terms of minimum distance, maximum speed, engine type, and activities of concern. After passing the test, the operator should then be required to post a large sticker or other marking on their vessel that could be clearly visible to enforcement officers. Such a marking would signal to enforcement officials that this particular operator is (1) permitted to engage in whale watching and (2) is on notice of the rules. Because they have notice, a violator should receive a fine or sanction upon their first violation, rather than a warning. Permit holders should be required to periodically renew their permits or to re-apply for a new permit by re-taking the class and test. This will put the whale-watchers on notice of changes in the rules and will refresh their understanding of their responsibilities.

The operator permit and certificate program would limit the numbers of boats able to observe whales and would thus reduce the aggregate negative effects multiple boats have on whales. Scientists should be consulted about whether whales would be better served by having time periods of complete peace combined with periods of heavier boat activity or whether they would benefit more from constant, but less congested boat activity throughout the entire day. The permits could designate whale watching times and locations for each boat based on the scientific advice. As a general rule, I think complete area closures should be in place in areas where land-based observation is possible.

Based on my experience observing whale watching behavior with WDFW, I am convinced that mandatory regulations must be enacted to effectively protect orcas from harassment and incidents of "take." Not only do distances, speeds, and types of engines need to be regulated, but the numbers of boats allowed to watch whales at any given time and place should be reduced and regulated. Thank you for your consideration.

Sincerely,

Julie J. Schaffer

Subject: FULL SUPPORT of potential regulations to protect killer whales in Washington State
From: Jennifer Parker <Jennifer.Parker@Attachmate.com>
Date: Wed, 20 Jun 2007 14:41:41 -0700
To: Orca.Plan@noaa.gov
CC: jlove_123@hotmail.com

Please accept my comments as full support of the Puget Sound Killer Whale Proposed ESA Recovery Plan.

Thank you to the NOAA Fisheries Service, under the Endangered Species (ESA) on Nov. 18, 2005, on having identified vessel effects, including physical interference and sound, as a potential contributing factor in the population's decline.

The Western States Petroleum Association is giving lip speech to defer doing what is right by all residents of Puget Sound, present and future generations. I am against the stalwart by Western States Petroleum Association just so they can maximize already grossly huge revenue by destroying an incredible fragile ecosystem which has a small chance of recovery only if we all do the right thing right now.

The right thing is full adoption of the *Recovery Plan for Southern Resident Killer Whales*. As a resident of Puget Sound, registered voter and tax payer I fully support management action of the evaluation of current vessel guidelines and the need for regulations and/or protected areas.

Regards,

Jennifer Parker
2526 56th Ave SW
Seattle, WA 98116

June 29, 2007

Assistant Regional Administrator
Protected Resources Division
Northwest Regional Office
National Marine Fisheries Service
7600 Sand Point Way NE
Seattle, WA 98115

RE: Comments to Protective Regulations for Killer Whales in the Northwest Region under the Endangered Species Act and Marine Mammal Protection Act (72 FR 13464)

To Whom It May Concern:

In comment to the National Oceanic and Atmospheric Administration's (NOAA) proposed rule making entitled "Protective Regulations for Killer Whales in the Northwest Region under the Endangered Species Act and Marine Mammal Protection Act" (72 FR 13464), I would like to outline my experience with this species, my concerns for their well being under the proposed regulations, and recommendations for final rulemaking.

I am a second year law student at the University of Oregon. The focus of my study is environmental law, including ocean and coastal law. This summer I am a legal intern for a local nonprofit, Friends of the San Juans (Friends). As an intern, I have been involved in the County's attempt to enact local regulations on boating around Orcas, with concerned community organizations, and commercial whale watch boat operators. Additionally, I had the opportunity to observe the Washington Department of Fish and Wildlife (WDFW) and NOAA enforcement officers regulating boating operations around Orca whales and the enforcement process from the WDFW boat. While living on San Juan Island, I have observed Orca whales on several occasions as well.

From these experiences there are several points I would like to make concerning the proposed regulations. First, due to uncertainty surrounding the exact causes of the Southern Resident killer whale decline, the precautionary approach should guide the regulatory process. To clarify, I use the term "precautionary approach" to mean that, until we know for certain that an activity does or does not affect the species, we should exercise restraint in that activity to refrain from further harming the animal. For example, instead of implementing a 100-yard minimum approach rule, use 200 yards to be sure.

Secondly, from my experience interacting with the whale watch community, WDFW, NOAA as well as working for Friends, implementing clear, easy to understand and enforce regulations will be the most effective way to regulate boating behavior around killer whales. Looking at the preliminary list of options, time-area closures seem to be the most clear and easiest to enforce. While on the WDFW boat I noticed that it is extremely difficult for enforcement officers to gauge distances, which would be required under regulations based around approach distances, and I imagine that commercial whale watch and privet boats striving to be in compliance must struggle with this also.

Third, these regulations should be a step to a comprehensive recovery plan for the Southern Resident killer whales. This includes more than regulation of boating around the whales. I fully support recovery measures for killer whale habitat, and food sources already proposed and strongly urge further development of these resources. My experience with environmental non profits and with environmental law has shown me that, while regulations such as these are helpful, more energy and effort needs to go into finding lasting solutions that address the systematic problems we have with our environment.

Finally, regardless of the final regulation schemes details, comprehensive enforcement is of the utmost importance. Both state (WDFW) and federal (NOAA) enforcement officers brought up lack of officers, time, funding, and clarity of regulation as impediments to current enforcement mechanisms. In fact, while I was on the enforcement boat, the NOAA officer boarded two vessels and verbally contacted another with warnings about harassing the killer whale pod in the area. Besides problems with building a case when infractions do occur, the most frustrating aspect was that this trip was likely the only time either the WDFW or NOAA officers were going to be on the water that week, or even in the next several weeks.

Listing of the Southern Resident killer whales is a great first step in their recovery. From my experience in the San Juan Islands with the attempt to enact local statutes regulating boating around the whales, federal support and enforcement of regulations protecting resident killer whales is very important. The Southern Resident killer whales are an important resource for the surrounding communities, both economically and for less quantifiable reasons, and protection of their remaining members, as well as rehabilitation of the species will help both the local, state, national, and international communities in countless ways.

Sincerely,

Christina Davis
Friends of the San Juans
PO Box 3400
Friday Harbor, WA 98250

Subject: Vessel Behavior and SRKW

From: Jim Slocomb <jslocomb@rockisland.com>

Date: Thu, 22 Mar 2007 14:10:21 -0800

To: Orca.Plan@noaa.gov

Hi,

I am a full time recreational boater based in the San Juan Island (Friday Harbor), Washington. My boating activities frequently bring me into the area where the whales hang out (the west side of san juan island) and the hoardes of boats that surround them. I can tell you from direct observation that the behavior of private vessels in the proximity of the whales is atrocious.

The efforts of Soundwatch are commendable but are not a solution to the problem. The behavior of the commercial operators is noticeably better than the private vessels but even the commercail operators are not totally well behaved when soundwatch is not present.

A simple, enforceable, and practical way to improve vessel behavior while the whales are present is set an absolute speed limit of about 6 knots within 1/2 mile of the whales. You may consider exempting vessels over 400' in length to avoid enforcement issues with deep draft vessel traffic in haro straits. Anything else for tugs with tows to kayaks can safely steer and maneuver at 6 knots.

A 6 knot speed limit would reduce vessel/whale collisions, vessel/vessel collisions, underwater noise, airborne pollutants (carbon monoxide) at the water surface (where whales breathe), and is very easy for law enforcement to enforce.

Jim Slocomb
Friday Harbor, WA
98250

Subject: Orca comments on protection
From: Terry <terryandjan@verizon.net>
Date: Fri, 23 Mar 2007 08:38:34 -0700
To: Orca.Plan@noaa.gov

I do not think the Orcas need any more protection.

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No virus found in this outgoing message.

Checked by AVG Free Edition.

Version: 7.5.446 / Virus Database: 268.18.17/730 - Release Date: 3/22/2007
7:44 AM

Subject: comments on Southern Resident Orcas
From: Polly Thurston <ptravennest@hotmail.com>
Date: Sat, 24 Mar 2007 16:19:28 -0700
To: Orca.Plan@noaa.gov

NOAA,

These are comments about listing the Southern Resident Orcas (Killer Whales) -

- We need them to survive because they are magnificent beings.
- We need them as an indicator to environmental changes. They are a great link to human understanding of the water habitats, our terrestrial habitats and atmospheric changes.
- They are such an important part of present and past cultures of indigenous and non-indigenous peoples.
- Many other reasons

It's important to protect them from interference by vessels and especially SOUND. It's obvious sonar is killing many whale species; strong evidence shows that it disturbs the orcas when the Navy is testing, so they need protection from this danger. We are in the only habitat they can live in ... their home. Time to protect them to the MAX before it's too late. They need strict regulations and protected areas.

Polly Thurston, wildlife biologist
Port Townsend, WA
ptravennest@hotmail.com

5.5%* 30 year fixed mortgage rate. Good credit refinance. Up to 5 free quotes - *Terms

Subject: orca protection
From: Karen Hattman <karenquacks@rockisland.com>
Date: Sun, 25 Mar 2007 17:41:02 -0800
To: Orca.Plan@noaa.gov

NOAA Orca plan

To Whom it may concern,

I am a resident of Lopez Island Washington and I wish to register my dismay at the inability of the federal government to understand the importance of preserving the population of Orca whales and the marine environment in which they live. We are such a small planet in the universe with a unique balance of life forms struggling to survive. At this time we have put in peril the delicate balance needed for survival of all life on the planet. If we ignore the importance of one species in the balance we are denying our own niche in the system.

We, however, do have the unique ability to make an impact on this struggle by making decisions which will support and preserve the creatures sharing our environment. Please do not take lightly the impact of what ever we do in our world which is detrimental to the ecosystem of which we are all a part. This includes but is not limited to the sound pollution and spewing of waste products into the water from the vessels using the water as their method of transportation.

Consider the impact of the assault on the environment as an assault on our lives as well as those creatures with whom we share the world and tread lightly. We still know so little of the effects of our actions on the world. Until we are much more knowledgeable of said effects we need to proceed with caution. Our lives are at stake.

Sincerely,

Karen Hattman
18 Robin Lane
Lopez Island, Wa. 98261

Subject: orcas

From: Ben Cody <murderbike@yahoo.com>

Date: Tue, 27 Mar 2007 13:09:08 -0700 (PDT)

To: Orca.Plan@noaa.gov

Hi, I suppose my comment would be as simple as we need to do EVERYTHING we can to support the Orca population, including doing everything we can to prevent human actions that harm Orcas, and doing everything we can to support the salmon population that Orcas depend on. Thank you.

Ben Cody
Bellingham, WA

No need to miss a message. [Get email on-the-go](#)
with Yahoo! Mail for Mobile. [Get started.](#)

Subject: Vessel Effects on Southern Orcas in Puget Sound

From: Kristie Kujawski <kkujawski@yahoo.com>

Date: Tue, 27 Mar 2007 18:32:03 -0700 (PDT)

To: Orca.Plan@noaa.gov

CC: orcasurv@rockisland.com, aspong@orcalab.org, people@pugetsound.org, nrdcaction@nrdc.org

To: NOAA Fisheries Service

Re: Public Comments on Decreasing the Effects of Vehicle Noise on Killer Whales

Dear NOAA:

One source of vehicle noise comes from Whale Watching vessels. While these expeditions are potentially a way to engage the public and educate them about whales, we have been concerned with their engine noise and aggressive chasing of whales to get their clients as close as possible to these animals.

We kayak frequently in the San Juan and Gulf Islands and have witnessed some distressing behavior on the part of these vessels.

Our suggestion is for a combination of public/private funding of a research center similar to that which exists on Hanson Island in British Columbia. Staffed by Dr. Paul Spong and associates, this center has researched the Northern Orca pods since 1970. From 2000-2005, funded by private grants (primarily Japan's NTT Data corporation), they sponsored a project that demonstrated how effectively whale watching can be done via the internet (www.orca-live.net).

The Orca Lab Project offered live, 24/7 videocams of Orca activity, which was accomplished with a combination of hydrophones, underwater cameras and surface cameras, attended by staff/researchers. It was a smashing success with viewers. I frequented the site daily, and everyone I referred to the site was pleased and amazed.

Apparently the Center for Whale Research, Friday Harbor, San Juan Island, has had some sort of video cam which was damaged in this winter's storms. I was not aware of this cam and am not sure whether it offered the same level of viewing as the Hanson Island Orca Lab project.

I strongly recommend that the Center for Whale Research or a similar organization be funded to sponsor a 24/7 video cam of the Southern pods. This may need to be a cooperative effort on the part of the US and Canadian governments because the Southern pods are affected equally by vessels coming from Victoria and vessels from the San Juans and US mainland.

Thank you,
Kristie Kujawski
Greg Routt
Seattle, WA

cc:

Center for Whale Research, Friday Harbor, <http://www.whaleresearch.com/thecenter>

Anna & Paul Spong, Orca Lab, Hanson Island, <http://www.orcalab.org>

People for Puget Sound, Seattle, www.pugetsound.org

National Resource Defense Council, www.nrdc.org

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Subject: Vessel effects on Orcas

From: Terry Gowler <terry.gowler@teamcorporation.com>

Date: Thu, 29 Mar 2007 15:03:12 -0700

To: Orca.Plan@noaa.gov

Greetings,

My name is Terry Gowler; 1120 Crow Lane, Mount Vernon, WA. 98273

I would like to pass on a trip I took to San Juan Is. last summer. I went to drive around the island and also to see the Orcas if I could at LimeKiln Pt. or San Juan Is. County Park on San Juan Is. I had not seen them at LimeKiln Pt. so I moved on to San Juan County Park. While talking to some campers one spoke up and said "if you want to see the whales you better get to the bluff now". As my back was to a small bay I asked "how do you know that" His response was "the tour boats just arrived". As I went to a bluff for a look I was treated to the most unnerving game of leapfrog with the Orcas I could have imagined. The boats would race to a spot ahead of the Orcas and wait for them to pass and race ahead of them and wait again and again. Not being a good judge of distance and I not knowing the distance reg's at the time I can't say whether or not they were too close. What I can say is they were running way too fast and not following the reg's for speed and distance when leapfrogging to the next viewing spot. I read this web page to confirm my speculation.

http://www.sanjuansafaris.com/whale_guidelines.html

As the Orca passed they would put the boats in gear and at full throttle leapfrog to the next viewing location. The inflatable were the worst with one having three outboard motors hanging off the back. You could hear and feel the acceleration and noise and see the exhaust fumes as they moved a mile or so up and then wait and align themselves for the orca to pass and repeat this again and again as I said. This went for over an hour just from my vantage point. With the sound of the engines and knowing sound travels further and louder thru water with the hulls acts as a sounding boards the noise must be horrific for them and you can see pods spread out during these events. I urge anyone who is making any decisions on the marine mammal situation who has not witnessed this then they need to see this for themselves first hand. Read the reg's at the above site and then take a trip for a look incognito during the summer and see this for themselves. The rules we have in effect are very inadequate and often as I saw were abused. Simply stated; Endangered Species should not be viewed by excursion boats or any boat for hire, period. The lively hood of the operators can be off set by island tours, kayak destination tours day lunch cruises and such and not just to let those who can afford, and most likely don't live here, to see the last 80-90 of a resident species of Orcas decline do to these selfish viewing activities. Side note LimeKlin Pt. and a pair of binoculars offers a better overall view if of the travel and feeding than any tour boat can offer. Ok, Now here I go... How long do we have to wait till there are more tour boats than Orcas before we do anything real to protect these magnificent creatures?

Had to make at least one all out tree hugger plea.

Very Sincerely.

Terry Gowler

Life long Puget Sound resident.

Subject: Orcas & vessel activity

From: sorrel@rockisland.com

Date: Fri, 20 Apr 2007 23:33:46 -0700 (PDT)

To: Orca.Plan@noaa.gov

Dear Assistant Regional Administrator,

I have been a resident of Lopez Island for the past 25 years and have had the pleasure of observing our southern resident orca population in its natural habitat. Over the course of the years I'm sorry to report that my sightings of orca off the south end of Lopez during the summer months have become much less frequent. In the old days I was thrilled to see the sudden splash on the water of flukes and fins and occasional spy-hops; now, the only way I can tell that whales are near is by the plethora of whale-watching boats and tourists clad in orange life-vests. While I completely sympathize with whale watchers and understand the joy of seeing a whale up close, I do believe that over time this activity has had a negative impact on the orcas and is contributing to their decline. I only fully understood this on a recent trip to Oahu when I went out on a whale-dolphin excursion led by scientists. They informed us that the Hawaiian government was enacting a law to prohibit swimming with dolphins in the wild, a popular activity in the islands. When I said, "Well, I just assumed the dolphins would swim away if they didn't want to be bothered," the scientist explained that in fact, dolphins have specific areas they go to rest, and in the last 10 years there has been a 50% decline in the number of dolphins in these resting areas because of being disturbed by humans. He said that dolphins and whales have natural feeding, mating and resting areas that have been established over millenia and when vessels pursue them, even from a distance, it causes them to alter their habits--often in ways that have serious repercussions. I know from my observations that this is true of the orca in the San Juans. These animals are followed by whale watching boats all day long with no breaks every day of the week, all summer long. The noise alone underwater (not to mention the extreme number of recreational vessels) must be excruciating, not to mention interfering with sonar. Although most of the whale-watching companies are well-intentioned and may claim to stay the legal distance away, I have personally observed many of them right on top of the whales. When there are 20 boats waiting right in the orca's path, it's impossible for the whales to do anything but surface right next to them.

These creatures already are living with massive levels of PCBs in their bloodstream due to human pollution. They were put into the category of endangered species for a reason. I don't believe that human entertainment and profit qualifies as a valid reason for continuing to disturb these magnificent creatures as they struggle to survive against increasing odds.

Please consider either eliminating or severely restricting whale-watching activity in the San Juan Islands and enacting regulations to prevent other vessels from interfering with orcas as they swim in the Salish Sea. They deserve to live in peace.

Thank you.

Sorrel North
Lopez Island
360-468-3832

Subject: Rule making comments

From: Richard Jack <rjack321@yahoo.com>

Date: Mon, 30 Apr 2007 12:29:41 -0700 (PDT)

To: Orca.Plan@noaa.gov

I support codifying the current "whale-wise" guidelines. However they are difficult to enforce and have not necessarily had much impact over there 5+ years of existence as guidelines.

Thus, codifying these is really the bare minimum needed to [potentially] maintain southern resident Orca populations, since these measures have been working to some degree for a number of years and recovery is no more attainable today than when they began.

To supplement these regulations, NOAA should codify no boating areas and thus have relatively undisturbed areas to compare "whale-wise" influenced behavior with "no boating" area behavior. The two "voluntary" areas along the west shore of San Juan Island are suitable.

"The first is a 1/2-mile (800m)-wide zone along a 3-km stretch of shore centered on the Lime Kiln lighthouse. The second is a 1/4-mile (400 m)-wide zone along much of the west coast of San Juan Island from Eagle Point to Mitchell Point. These areas were established to facilitate shorebased viewing and to reduce vessel presence in an area used by the whales for feeding, traveling, and resting."

As a scuba diver, I have boated in these areas in the past and I would gladly access these sites from shore to provide a reduced disturbance area for southern resident orcas.

Additionally, NOAA should work together with DFO to limit the number of commercial vessels licensed for whale watching. All of the major extractive fishing industries have regulations on the catches. Whale watching can degrade southern residents Orca populations although not through the actual catching of whales. Thus, this industry must be willing to accept limits on their individual actions which cumulatively impacts on whale populations. Since the continued proliferation of whale watching enterprises will degrade the resource for all.

The last piece of the South Resident recovery plan should center around ensuring adequate food resources are available. NOAA already has jurisdiction and authority to recover Chinook salmon populations. Ensuring adequate food sources will require addressing the current food sources, and NOAA's proposed measures should be expanded to address this issue.

These four measures:
codified whale guidelines
no boating zones
limiting the sheer volume of vessel interactions
ensuring adequate food resources are available

are all key components of a effective Southern
resident recovery plan.

Sincerely,

Richard Jack
7012 19th Ave NW
Seattle, WA 98117

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Subject: Orca Vessel Regulations
From: Gretchen Mueller <gmueLLer@brandexplore.com>
Date: Thu, 14 Jun 2007 19:56:35 -0700
To: Orca.Plan@noaa.gov
CC: gkmueLLer@gmail.com

Dear NOAA:

First, thank you for all you do on behalf of the ocean and its inhabitants!

I am writing to comment on Orca Vessel Regulations (due June 20). As a resident of San Juan Island, I see daily during the summer the impact of boats upon the whales. Given the precipitous state of the Southern Resident Orca population, I am pleased that you are considering regulations for vessels. Declining salmon populations and toxic substances certainly are potential contributors' to the whales' current precarious state as well, and I appreciate your efforts in these areas too.

I strongly support a system with enforceable rules and laws (NOT "guidelines"). I would like to see us model after systems in Mexico and Canada where the number of whale watch boats, and the time each spends with the whales, are highly regulated. This only addresses one type of vessel, however. Private boats, barges, military boats, freighters, and fishing vessels need to be included in the plan as well.

I would like to see NOAA:

1. Establish a minimum approach rule
2. Prohibit vessel activities of concern
3. **Establish time-area closures. This could restrict human access or specified activities to specific areas at specific times when whales are likely to be present. THIS IS MY PREFERRED OPTION!!! It could include "quiet time" for the whales during peak feeding hours, increasing their likelihood of finding (the ever decreasing) available salmon.**
4. Establish an operator permit or certification program for whale watch or wildlife watch vessels.
5. **Provide (through NOAA or other agencies) the man and boat power to enforce the regulations, and tough penalties enacted for those who don't follow them. Perhaps this could be funded in part via a surcharge on whale watch / wildlife tickets, similar to a "stadium tax" on rental cars in other cities.**

Thank you for your time and help in saving the whales!

Gretchen Mueller
370 Victoria Drive
Friday Harbor, WA
98250

Subject: Protecting Orca whales in Puget Sound

From: Nancy Morris <morse51@w-link.net>

Date: Wed, 20 Jun 2007 16:35:46 -0700

To: Orca.Plan@noaa.gov

Attention NOAA:

RE: regulations to protect killer whales in Washington State from the effects of various vessel activities.

Implement those regulations that already help other species such as the humpback whale and right whale.

All vessels should meet a noise level standard that takes in account just how far sound travels in water; some engines can be so loud that Orcas can not communicate with each other or use their echo-location to hunt for fish. Vessels need quieter engine technology. In addition encourage use of less toxic fuels (if biodiesel is used, it needs to be 100% biodiesel) and electric for vessels.

Navy Sonar and ELF sonar testing should not be allowed in the Puget Sound region by the Navy. The ELF technology is known to cause damage to marine mammals. (Include continental shelf waters for protection from sonar use and experimentation. NOAA should support the international accords to eliminate need for active sonar sweeps (partially included)).

Sincerely

Nancy Morris
PO Box 60096
Seattle, WA 98160

Subject: Vessel guidelines concerning Killer Whales.

From: Brian Glennon <brianboru@shaw.ca>

Date: Thu, 14 Jun 2007 15:13:28 -0700

To: Orca.Plan@noaa.gov

Hello , I am a whalewatching skipper on a zodiac style boat out of Victoria B.C. All my comments are my personal beliefs/comments and do not represent any company.

I think everyone is on the same page that the Southern Resident group needs protection from excessive disturbance , there will always be a few who believe no one should be on the water observing these animals , but that is just not realistic. I feel everyone (commercial and recreational) need a simple set of guidelines that are easy to understand and execute.

Firstly , The "Be Whalewise " guidelines are a little fuzzy and are difficult for recreational boaters to comprehend as many do not "see" the whales until it is too late. Furthermore I personally do not feel that starting your engine within 200yds of the whales or paralleling them at 100yds is in the best interests of the whales. In the summer you can see as many as 20 boats , both commercial and recreational(many with noisy diesel engines) travelling next to the pods. During these sessions I have lowered the hydrophone to listen to the cacophony and witnessed the whales stop foraging (possibly due to a inability to echolocate).

I feel that 3 simple rules could be put into effect that would be beneficial to the whales and be a reasonable compromise between the factions. They would also be relatively easy to "police".

1. Do not come within 1/4 mile of the shoreline when observing whales.
2. Do not come within 300 yards of the whales with your engine running.
3. Do not block the direct path of any whale.

Please do not construe that I am suggesting a no go zone of 300 yards. It is my belief and observation that the whales are not disturbed by human and boat presence when they have been given a reasonable amount of time to echolocate vessels that are not running, and the risk of injury or collision is greatly reduced. To my knowledge any of the studies done in regard to boat presence around whales did not take into account whether or not the vessels were running and are rather suspect.

Blocking the direct path of a whale is more of a rule for commercial operators (most recreational boaters have difficulty determining direction of the whales) There is no question in my mind that putting yourself in the direct path of a whale is a form of harassment. But if the whale was given 300 noise free yards around him , he could easily determine his path or forage even with boats(not running) within the 300 yards.

Regulations that set a defacto minimum distance from the whales in my mind will prove to be unworkable. Anyone who has spent a reasonable amount of time around these whales knows that there is always a element of unpredictability in regards to direction, the best action to me is to shut down and let the whales see and understand where you are and let them decide.

As you know there are many who would like to see whalewatching banned because it effects "their" whales and world. Let's not forget that whalewatching is the primary source of education in this area regarding marine environmentalism. We teach 100's of thousands of people every year about the sensitivity of our local ecology and the fragility of it. I like to think that my efforts to teach and show locals and visitors have helped our area through education and by operating respectfully around the whales. We have come a long way in our attitudes towards whales in a few short years and I hope that we can continue to share the experience of seeing these great animals in their natural environment.

Sincerely , Brian Glennon

Subject: [Docket No: 070125020-7020-01];[FR Doc: E7-05262];[Page 13464-13467]; Marine mammals: Southern resident killer whales; recovery plan
From: "Judy L. Sear" <sear@rockisland.com>
Date: Wed, 20 Jun 2007 17:23:57 -0700
To: Orca.Plan@noaa.gov
CC: soundwatch@whalemuseum.org

Date: June 20, 2007

To: NOAA Fisheries Staff,

In support of the subject Docket No: 070125020-7020-01 and Document ID. NOAA-2007-0212-0001, I submit the following comments:

1. Consider including in the proposed rule making process the "Be Whale Wise" guidelines developed by Soundwatch, a program of the Whale Museum, a 501(C) (3) non-profit organization located in Friday Harbor, Washington
2. Reduce/minimize the controlled vessel viewing approach distance to any southern resident Orca/Killer Whale.
3. Prohibit deliberate vessel activity such as: herding, surrounding, positioning in the path (leapfrogging), separating calves or any individual member from other adults, approaching the pod at high speed and navigating/running through the pod at any speed.
4. Consider the feasibility of a limited use or area closure zone or combination of both throughout summer range. Any limited use or closure zones should apply to all powered and non-powered vessels and user groups both private and commercial, without exception.
5. Due to the diversity of the user groups from throughout Puget Sound ports and Canada, provisions for a regional education process should be included in the rule making process.
6. Inter-organizational enforcement across Federal, State and County lines should be clear, consistent and seamless.
7. Funding for education and enforcement should be determined during the rule making process.

Respectfully submitted,

Michael F. Sear
216 Marina Lane
Friday Harbor, WA 98250

Phone 360-378-9742

June 20, 2007

Comments re Advance Notice of Proposed Rulemaking for Killer Whales in the Northwest Region under the ESA and MMPA

I am a resident of San Juan Island. For the last six years I have engaged in land-based whale-watching and have regularly observed and photographed orca and vessel interactions off the west side of the island. I submit these comments based on my observations.

I. Existing Laws Should Be Enforced to Protect Orcas

First and foremost the federal government should enforce the laws that already exist under the Marine Mammal Protection Act and Endangered Species Act to protect endangered orcas. For example, any vessel operator who runs over an orca causing it to dive, separates a calf from a mother, splits families or resting lines, or herds orcas, should be fined or prosecuted.

II. New Rules Should Be Enacted to Protect Orcas

A. NMFS/NOAA Should Enact Rules that Regulate all Vessels in United States Waters and Prohibit Specific Conduct Detrimental to Orcas

In general, all new rules that NMFS/NOAA promulgates to protect orcas should apply to all vessels in U.S. waters. Funds should be appropriated to implement the new rules. Otherwise, the rules will have little impact in protecting orcas.

1. Specifically, NMFS/NOAA should enact rules establishing minimum approach distances and speed limits for vessels operating in proximity to orcas. Sufficient funds should be set aside to adequately enforce the new rules. The minimums distances and speed limits set forth in the *Be Whalewise Guidelines* should be enacted as rules, except that NMFS/NOAA should extend the 100 yard minimum distance to 200 yards. If orcas approach vessels, the vessels should be required to maintain the minimum distances by moving away from the whales, unless doing so would endanger orcas more. Specific fines and penalties should be set forth for first, second, third, etc., offenses.

2. Specific conduct that has been identified as being detrimental to the orcas, such as "parking in the path," causing the whales to change direction, separating family groups, disturbing resting lines or logging whales, or interfering with feeding whales should be prohibited, with specific fines and penalties set forth for first, second, third, etc., offenses.

B. NMFS/NOAA Should Enact Rules that Protect Designated Areas Favored by Orcas

1. Certain constricted or congested areas that orcas favor for traveling, foraging and socializing should be protected as "No Go" areas, when orcas are present.
2. Time restrictions for whale watching should be promulgated in other designated areas that orcas favor for traveling, foraging and socializing. Commercial and recreational whale watching should be permitted in these designated areas only for specified time limits, such as 9:00 am to 6pm.
3. All human activity should be prohibited in one or two designated areas frequently used by orcas. The restrictions adopted for the Northern Residents for the Robson Bight Preserve off Vancouver Island should serve as the prototype.

C. NMFS/NOAA Should Strictly Limit the Number of Whale Watching Vessels Permitted to Engage in Commercial Activity

The number of commercial vessels watching the orcas should be strictly limited based on a specific ratio of orcas to boats. The ratio should be no greater than one boat to four orcas. For example, if only J pod is present, which occurs frequently, the maximum number of boats within 200 yards of J pod should be six. If there are more vessels out on trips than the ratio allows, then to provide all vessel passengers an opportunity to see the orcas, the vessel operators should spend no more than 15 minutes with the orcas.

Thank you for the opportunity to provide comments.
Sharon Grace

Subject: San Juan's Whale-people-problems:
From: "capt. Monty" <capt.monty@hotmail.com>
Date: Wed, 20 Jun 2007 23:41:06 -0700
To: Orca.Plan@noaa.gov
CC: capt.monty@hotmail.com

To NOAA comments program: I attended the MRC meeting today in Friday Harbor. I was amused at the sound watch folks were still trying to change the NOAA rules so that they could continue to chase the whales all day. I was at their meetings years ago when Friends of San Juans were giving them static about all those whale watch boats chasing the whales all day. In the talks that followed it was decided that sound watch needed to get some relief so they decided to think of a way to get the fishing boats off the water, so that it wouldn't look so bad when they came into the shore to watch the whales. I can't believe they are still trying to sell the 1/4 mile zone to [with no scientific evidence at all to support it] infringe upon the rights of others, so that they may continue to adamminately break the NOAA Marine Mammal guide lines. Not to mention that the fishermen see all the other rules that they break when they think that no one is looking. Sound watch is paid by the Whale Watch Association and they say what they get paid to say plain and simple. I Have been on the water, fishing since early 90's and have noticed one thing that always happens. We will be fishing along, several of us boats and the whales will come through. They are calmly doing their thing when suddenly they will start slapping their tails, swimming faster, diving faster etc. A few moments later here comes one or several whale watch boats. This happens on a very frequent basis. Whether they are upset about the whale watch boats or maybe excited because they can hear applause from the whale watch boats, I don't know, but their behavior most definately changes from the calmness they have when fishing through the fishing boats[sport fishing boats]. Everyone I talked to has said that they have never so much as had a line wiggle, even when a whale would come close to their boat. So whats the point? Fishermen have been fishing here for years even several commercial boats in years past with no significant problem. So being that the problem is now caused by all those whale watch boats' they should fix their own problem and start going by NOAA's rules and maybe their wouldn't be a problem any more. Back in the early 90's their were only a hand full of whale watch boats, they went out to the whales, let the whales go by and then returned to port. No chasing all day, no 50 plus whale watch boats on their tail all day. no problem. Of course then there is the money thing. More advertising, more people, more boats, bigger boats, always more more more. More greed, more boats, more dirty politics, more money, more government grants to study more made up problems. You don't live and work around here as long as I have and not here people talk about how they plan to make a set up to get more grants, and walk all over however they have to to get what they want. So we didn't need a 1/4 mile rule in the past and we don't need one now, of course I can say that, knowing the motive behind why they [sound watch and whale watch association] came up with that suggested rule to begin with. So much for now. Thanks for listening, Capt. Monty, Friday Harbor.

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Subject: Public Submission
From: no-reply@erulemaking.net
Date: Fri, 27 Apr 2007 11:25:45 -0400 (EDT)
To: Orca.Plan@noaa.gov

Please Do Not Reply This Email.

Public Comments on Protective Regulations for Killer Whales in the Northwest Region under the Endangered Species Act and Marine Mammal Protection Act:=====

Title: Protective Regulations for Killer Whales in the Northwest Region under the Endangered Species Act and Marine Mammal Protection Act
FR Document Number: E7-05262
Legacy Document ID:
RIN: 0648-AV15
Publish Date: 03/22/2007 00:00:00
Submitter Info:

First Name: Ricki
Last Name: Kewalramani
Organization Name: University of Maryland

Comment Info: =====

General Comment: These regulations are needed in order to protect these whales. These whales are negatively affected by the tourists boats and their blades which can potentially harm the whale population. Excellent idea to place protective regulations on tourist companies to view the whales.

Subject: Public Submission
From: no-reply@erulemaking.net
Date: Wed, 25 Apr 2007 21:12:12 -0400 (EDT)
To: Orca.Plan@noaa.gov

Please Do Not Reply This Email.

Public Comments on Protective Regulations for Killer Whales in the Northwest Region under the Endangered Species Act and Marine Mammal Protection Act:=====

Title: Protective Regulations for Killer Whales in the Northwest Region under the Endangered Species Act and Marine Mammal Protection Act
FR Document Number: E7-05262
Legacy Document ID:
RIN: 0648-AV15
Publish Date: 03/22/2007 00:00:00
Submitter Info:

First Name: Benjamin
Last Name: Ellison
Organization Name: UMCP- academia

Comment Info: =====

General Comment:I believe that regulations should be made against the killer whale spotting industry in order to protect the survival and harassment of them. I went on one of these commercial trips to spot killer whales and in the end found my self disgusted and appalled by the amount of boats surrounding the whales, not the whales majestic beauty. I believe that it is dangerous and detrimental to the protection and survival to these majestic creatures. Please regulate the amount of commercial tour boats and regulate their proximity in viewing the whales to protect what the very thing they work to promote.

Subject: Public Submission
From: no-reply@erulemaking.net
Date: Wed, 25 Apr 2007 16:31:06 -0400 (EDT)
To: Orca.Plan@noaa.gov

Please Do Not Reply This Email.

Public Comments on Protective Regulations for Killer Whales in the Northwest Region under the Endangered Species Act and Marine Mammal Protection Act:=====

Title: Protective Regulations for Killer Whales in the Northwest Region under the Endangered Species Act and Marine Mammal Protection Act
FR Document Number: E7-05262
Legacy Document ID:
RIN: 0648-AV15
Publish Date: 03/22/2007 00:00:00
Submitter Info:

First Name: Ashley
Last Name: Albrecht
Organization Name: UMCP

Comment Info: =====

General Comment: No one likes to see a species become extinct. Killer whales not only are animals but they contribute to our ecosystem in a very fundamental way. It is important to save them. If we as tourists can go on tours to go watch them, then we most certainly can save the species.

Subject: Public Submission
From: no-reply@erulemaking.net
Date: Mon, 23 Apr 2007 16:05:47 -0400 (EDT)
To: Orca.Plan@noaa.gov

Please Do Not Reply This Email.

Public Comments on Protective Regulations for Killer Whales in the Northwest Region under the Endangered Species Act and Marine Mammal Protection Act:=====

Title: Protective Regulations for Killer Whales in the Northwest Region under the Endangered Species Act and Marine Mammal Protection Act
FR Document Number: E7-05262
Legacy Document ID:
RIN: 0648-AV15
Publish Date: 03/22/2007 00:00:00
Submitter Info:

First Name: Kerry
Last Name: La Rue
Organization Name: Academia

Comment Info: =====

General Comment:First and foremost, whales contribute to the ecosystem. Also, no one wants an endangered species to become extinct. If people care enough to see whales at parks such as SeaWorld, then they should also care enough to protect them.

Subject: Public Submission
From: no-reply@erulemaking.net
Date: Mon, 23 Apr 2007 09:41:10 -0400 (EDT)
To: Orca.Plan@noaa.gov

Please Do Not Reply This Email.

Public Comments on Protective Regulations for Killer Whales in the Northwest Region under the Endangered Species Act and Marine Mammal Protection Act:=====

Title: Protective Regulations for Killer Whales in the Northwest Region under the Endangered Species Act and Marine Mammal Protection Act
FR Document Number: E7-05262
Legacy Document ID:
RIN: 0648-AV15
Publish Date: 03/22/2007 00:00:00
Submitter Info:

First Name: Blaine
Last Name: Ferrari
Organization Name: UMCP

Comment Info: =====

General Comment:I find the protection regulations for killer whales to be an extremely important issue. Not only is it vital to help control the increasing numbers of extinct species, a rapidly bigger issue in our world, but it is an issue that will soon spiral out of control if not taken seriously. If we are to allow species such as the killer whales to become extinct without notice, then there will be many more to follow. I believe that what is being done with the protective regulations for the killer whales in the northwest region is an extremely important step and as its under the endangered species act and marine mammal protection act, I would hope that there will be many more regulations for various other species to come.

Subject: Public Submission
From: no-reply@erulemaking.net
Date: Mon, 23 Apr 2007 09:36:09 -0400 (EDT)
To: Orca.Plan@noaa.gov

Please Do Not Reply This Email.

Public Comments on Protective Regulations for Killer Whales in the Northwest Region under the Endangered Species Act and Marine Mammal Protection Act:=====

Title: Protective Regulations for Killer Whales in the Northwest Region under the Endangered Species Act and Marine Mammal Protection Act
FR Document Number: E7-05262
Legacy Document ID:
RIN: 0648-AV15
Publish Date: 03/22/2007 00:00:00
Submitter Info:

First Name: Tiffani
Last Name: Soo-Tim
Organization Name: University of Maryland, College Park

Comment Info: =====

General Comment: To ensure the preservation of Killer Whales it is vital to place policies and laws which protect these endangered species. The harassment of Killer Whales as well as a lack of protecting them are causes for major concern. Not only are Killer Whales a natural creation, but it constitutes a great part of the world's ecosystem.

On more ethical grounds, Killer Whales should be equally as protected as any other animal because they are just as important. To place specific regulations and policies under the ESA and MMPA, is only a small task compared to the lifetime effects that it will have on the Killer Whale population as a result of this species preservation. To imagine an aquatic environment without the Killer Whale is like imagining a pool of water minus the water. Therefore, it is imperative to protect the Killer Whale population by implementing regulations and policies.

Subject: Public Submission
From: no-reply@erulemaking.net
Date: Sun, 22 Apr 2007 22:26:22 -0400 (EDT)
To: Orca.Plan@noaa.gov

Please Do Not Reply This Email.

Public Comments on Protective Regulations for Killer Whales in the Northwest Region
under the Endangered Species Act and Marine Mammal Protection Act:=====

Title: Protective Regulations for Killer Whales in the Northwest Region under the
Endangered Species Act and Marine Mammal Protection Act
FR Document Number: E7-05262
Legacy Document ID:
RIN: 0648-AV15
Publish Date: 03/22/2007 00:00:00
Submitter Info:

First Name: Mark
Last Name: Jubar
Organization Name: UMCP

Comment Info: =====

General Comment:I support proposed regulations to protect Killer Whales.

Subject: Public Submission
From: no-reply@erulemaking.net
Date: Sun, 22 Apr 2007 22:24:25 -0400 (EDT)
To: Orca.Plan@noaa.gov

Please Do Not Reply This Email.

Public Comments on Protective Regulations for Killer Whales in the Northwest Region under the Endangered Species Act and Marine Mammal Protection Act:=====

Title: Protective Regulations for Killer Whales in the Northwest Region under the Endangered Species Act and Marine Mammal Protection Act
FR Document Number: E7-05262
Legacy Document ID:
RIN: 0648-AV15
Publish Date: 03/22/2007 00:00:00
Submitter Info:

First Name: Oluwatoyin
Last Name: Otukoya
Organization Name: University of Maryland, College Park

Comment Info: =====

General Comment: Killer whales should be protected. It is never right to see a species become extinct.

Subject: Public Submission
From: no-reply@erulemaking.net
Date: Sun, 22 Apr 2007 21:45:32 -0400 (EDT)
To: Orca.Plan@noaa.gov

Please Do Not Reply This Email.

Public Comments on Protective Regulations for Killer Whales in the Northwest Region under the Endangered Species Act and Marine Mammal Protection Act:=====

Title: Protective Regulations for Killer Whales in the Northwest Region under the Endangered Species Act and Marine Mammal Protection Act
FR Document Number: E7-05262
Legacy Document ID:
RIN: 0648-AV15
Publish Date: 03/22/2007 00:00:00
Submitter Info:

First Name: Natasha
Last Name: Dennis
Organization Name: UMD student

Comment Info: =====

General Comment: The whales need to be protected and saved before they become extinct. Their natural habitat should be protected and preserved as much to human ability as possible. The ending results could in some way be detrimental to society and its goals.

Subject: Public Submission
From: no-reply@erulemaking.net
Date: Sun, 22 Apr 2007 17:00:43 -0400 (EDT)
To: Orca.Plan@noaa.gov

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Public Comments on Protective Regulations for Killer Whales in the Northwest Region under the Endangered Species Act and Marine Mammal Protection Act:=====

Title: Protective Regulations for Killer Whales in the Northwest Region under the Endangered Species Act and Marine Mammal Protection Act
FR Document Number: E7-05262
Legacy Document ID:
RIN: 0648-AV15
Publish Date: 03/22/2007 00:00:00
Submitter Info:

First Name: Kaitlyn
Last Name: Shulman
Organization Name: The University of Maryland

Comment Info: =====

General Comment: We need to make sure killer whales are protected. How can we allow the destruction of a species when we know we are the cause and we know how to help? It would be negligent and irresponsible to not pass protective regulations.

Subject: Public Submission
From: no-reply@erulemaking.net
Date: Sun, 22 Apr 2007 16:41:49 -0400 (EDT)
To: Orca.Plan@noaa.gov

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Public Comments on Protective Regulations for Killer Whales in the Northwest Region under the Endangered Species Act and Marine Mammal Protection Act:=====

Title: Protective Regulations for Killer Whales in the Northwest Region under the Endangered Species Act and Marine Mammal Protection Act
FR Document Number: E7-05262
Legacy Document ID:
RIN: 0648-AV15
Publish Date: 03/22/2007 00:00:00
Submitter Info:

First Name:
Last Name:
Organization Name:

Comment Info: =====

General Comment: I think that this would be good because I would not want them to get extinct especially since they are very unique and beautiful animals. Having this regulation passed would keep them safe and help ensure their future.

Subject: Public Submission
From: no-reply@erulemaking.net
Date: Sun, 22 Apr 2007 15:50:25 -0400 (EDT)
To: Orca.Plan@noaa.gov

Please Do Not Reply This Email.

Public Comments on Protective Regulations for Killer Whales in the Northwest Region under the Endangered Species Act and Marine Mammal Protection Act:=====

Title: Protective Regulations for Killer Whales in the Northwest Region under the Endangered Species Act and Marine Mammal Protection Act
FR Document Number: E7-05262
Legacy Document ID:
RIN: 0648-AV15
Publish Date: 03/22/2007 00:00:00
Submitter Info:

First Name: Heather
Last Name: Lande
Organization Name: University of Maryland, College Park

Comment Info: =====

General Comment:I believe the steps should be taken to include specific regulations for what is considered the 'taking' and 'harrasement' of Killer Whales. This whale is becoming endangered more and more every year even though there is already an act in place trying to protect it. There obviously needs to be some amendments to this act so we do not lose this very unique, and special whale. They are a large part of the marine ecosystem and to lose them would not only be a loss for the whale itself, but also have a huge affect on all the other species in the marine ecosystem. These steps must be taken so people understand what they may not do to harm this animal.

Subject: Public Submission
From: no-reply@erulemaking.net
Date: Sat, 21 Apr 2007 17:29:25 -0400 (EDT)
To: Orca.Plan@noaa.gov

Please Do Not Reply This Email.

Public Comments on Protective Regulations for Killer Whales in the Northwest Region under the Endangered Species Act and Marine Mammal Protection Act:=====

Title: Protective Regulations for Killer Whales in the Northwest Region under the Endangered Species Act and Marine Mammal Protection Act
FR Document Number: E7-05262
Legacy Document ID:
RIN: 0648-AV15
Publish Date: 03/22/2007 00:00:00
Submitter Info:

First Name:
Last Name:
Organization Name:

Comment Info: =====

General Comment:Protective regulations for killer whales are extremely important because this species is dying out and it is up to humans to save them. Killer whales contribute to the ecosystem and play an important role in their marine habitat. If this species becomes extinct, it will be a great loss to many, as they are amazing creatures who deserve to be protected. The abuse they have received is entirely inflicted by humans and is the result of a careless attitude towards these creatures. Therefore, I think it is important to create protective regulations for them, so that we might save them before it is too late..

Subject: Public Submission
From: no-reply@erulemaking.net
Date: Sat, 21 Apr 2007 14:39:51 -0400 (EDT)
To: Orca.Plan@noaa.gov

Please Do Not Reply This Email.

Public Comments on Protective Regulations for Killer Whales in the Northwest Region under the Endangered Species Act and Marine Mammal Protection Act:=====

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FR Document Number: E7-05262
Legacy Document ID:
RIN: 0648-AV15
Publish Date: 03/22/2007 00:00:00
Submitter Info:

First Name: Cassie
Last Name: O'Connor
Organization Name: Student

Comment Info: =====

General Comment:I believe it is extremely important for protective regulations of killer whales to exist.
Killer whales are a great tourist attraction and bring in a great deal of money, however, the tourists and the boaters are the ones harming the species. There needs to be set regulations that allow the killer whales to swim freely and away from harm.

Subject: Public Submission
From: no-reply@erulemaking.net
Date: Thu, 22 Mar 2007 14:53:15 -0500 (EST)
To: Orca.Plan@noaa.gov

Please Do Not Reply This Email.

Public Comments on Protective Regulations for Killer Whales in the Northwest Region under the Endangered Species Act and Marine Mammal Protection Act:=====

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FR Document Number: E7-05262
Legacy Document ID:
RIN: 0648-AV15
Publish Date: 03/22/2007 00:00:00
Submitter Info:

First Name: barb
Last Name: sachau
Organization Name: b sachau

Comment Info: =====

General Comment:public comment on federal register of 3/22/07 vol 72 #55 pg 13464
doc noaa 50 cfr part 216 id 010907A rin 0648-av15
id 070125020-7020-01 KILLER WHALES BEING KILLED IN NW REGION - AND
INDEED ALL OVER THE WORLD BECAUSE OF PROFITEERS MAKING
MONEY FROM THEIR LIVES AND THEN CAUSING THEIR DEATH

ATTENTION TREVOR SPRADLIN AND LYNNE BARR

ALL VESSELS GETTING CLOSER THAN 800 METER FROM A WHALE
SHOULD BE FINED \$1 MILLION FOR THE FIRST OFFENSE, WITH FINES
RAPIDLY GOING UP FROM THERE. THERE SHOULD BE NO DIVING TO BE
UNDERWATER WITH WHALES ANY CLOSER THAN 800 METERS. FAILURE
TO OBSERVE IS \$250,000 FOR EACH PERSON DIVING.

IT IS CLEAR THAT WE NEED TO CLEAR AREAS OF ALL VESSELS WHEN
WHALES ARE THERE. THIS CAN BE DONE. IT MUST BE DONE. ALL
VESSELS HAVE SPOTTERS TO SPOT FISH. IT CERTAINLY SHOULD SHOW
A WHALE AND SUCH SPOTTING SHOULD MEAN THE VESSEL MUST
IMMEDIATELY LEAVE THE AREA. WE ALSO NEED TO PULL SOME BOAT
LICENSES IMMEDIATELY FOR THOSE WHO SEEM TO HAVE TROUBLE
OBSERVING REGULATIONS.

B. SACHAU
15 ELM ST
FLORHAM PARK NJ 07932